

Appl. No. : **09/983,054**
Filed : **October 16, 2001**

REMARKS

Claims 5, 9, and 13 have been amended. Claims 1-16 remain pending in the present application. Support for the amendment is found in the existing claims and specification and claims as filed. Accordingly, the amendments do not constitute the addition of new matter. Reconsideration of the application in view of the foregoing amendments and comments is respectfully requested.

Claim amendments

Claims 5, 9, and 13 have been amended to correct a typographical error. Structure 1258 has been amended where the benzene ring is now a pyridine ring. During preparation of the Supplemental Amendment filed November 13, 2003, Structure 1258 was inadvertently converted to the incorrect structure and then was struckthrough as to be indicated as a deletion. Upon proofreading, the typographical error was uncovered. Further support for this amendment can be found in the original specification on pages 35 and 80.

Applicants respectfully request the Examiner to enter these amendments.

Double Patenting

The Examiner rejected Claims 1-16 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over U.S. Patent Nos. 6,451,829; 6,271,390; and 6,303,645 and U.S. Patent Application Nos. 10/090,044 and 10/103,258. A timely filed terminal disclaimer may be used to overcome a rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with the present application.

Applicants have already submitted a terminal disclaimer for the rejection over U.S. Patent No. 6,303,645. Herewith, Applicants submit terminal disclaimers to overcome the double patenting rejections over U.S. Patent Nos. 6,451,829; and 6,271,390 and U.S. Patent Application Nos. 10/090,044 and 10/103,258.

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Applicants respectfully request the Examiner to reconsider and withdraw the double patenting rejections.

CONCLUSION


In view of the foregoing amendments and comments, it is respectfully submitted that the present application is fully in condition for allowance, and such action is earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is cordially invited to call the undersigned in order to resolve such issue.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: February 3, 2003

By: 
Connie C. Tong
Registration No. 52,292
Agent of Record
Customer No. 20,995
(949) 760-0404

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